

REMARKS

Status Summary

In this Response, no claims are added and no claims are cancelled. Therefore, claims 1-50 remain pending.

Double Patenting Rejection

Claims 1-50 were rejected based on "provisional statutory obviousness-type double patenting" based on claims 5, 9, 12, 14-16, 18-22, 27, 31, 34, and 36-38 of pending application no. 10/569,013. Applicants respectfully submit that obviousness-type double patenting is non-statutory because there is no statutory basis for double patenting based on obviousness. Accordingly, the rejection will be treated as a non-statutory obviousness-type double patenting rejection. If this not what was intended, a new Office Action clarifying the type of double patenting rejection is respectfully requested.

In response to the non-statutory, obviousness type double patenting rejection, Applicants submit a Terminal Disclaimer disclaiming the term of any patent that issues from the present application that would extend beyond the term of any patent that issues from pending application no. 10/569,013. Accordingly, it is respectfully submitted that the double patenting rejection should be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 7-12, 14, 15, 20-25, and 27-50 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2006/0212385 to Bent et al. (hereinafter, "Bent"). This rejection is respectfully traversed.

Independent claims 1, 14, and 27 respectively recite a method, a computer program product, and a system where deposit needs of plural deposit groups are determined and aggregated to provide a stable funds source. (Emphasis added.) Commercial banks are notified of the stable funds source. An interest rate to be paid to the depositor groups is set to a predetermined value to a rate that the commercial banks are willing to pay for the stable funds source and that the depositor groups expect as a return on investment for use of their funds. Account postings from the commercial banks are received and the funds in the stable fund source are deposited in the accounts. The deposit groups are allowed to withdraw funds from the accounts on demand without penalty. Thus, independent claims 1, 14, and 27 recite the aggregation of funds from plural depositor groups to form a stable funds source and the setting of an interest rate that banks are willing to pay for the stable funds source and the interest rate that the depositor groups except as a return for use of the funds in the stable funds source. The availability of a stable funds source aggregated from plural depositor groups and that can be usable for core deposits allows banks to reduce their percentages of brokered deposits and thereby increase the likelihood of a favorable regulatory rating (see page 15, lines 12-16 of the present specification). The fact that the funds from the depositor groups are aggregated increases the likelihood that the

depositor groups will obtain a more favorable interest rate than that obtained by an individual investor depositing money with a bank.

There is absolutely no disclosure, teaching, or suggestion in Bent of a method, a computer program product, or system where deposit needs from depositor groups are aggregated to provide a stable funds source or where an interest rate to be paid is set to a value based on an interest rate that banks are willing to pay for the stable funds source and an interest rate that the depositor groups expect as a return for use of the funds in the stable funds source. Rather than being directed toward such an aggregating method, Bent is directed to a system where an individual deposits funds in multiple insured deposit accounts to insure that the entire amount of the individual's deposits are FDIC insured. For example, Bent states:

In practice, when an investor's account balance exceeds \$90,000 in any one account, the excess funds are automatically moved to a second deposit account at another pre-selected bank. (See paragraph [0010] of Bent.)

In the above-quoted passage, Bent indicates that the method disclosed therein is directed to managing the account of an individual investor, rather than grouping or aggregating the funds of plural depositor groups to provide a stable funds source as claimed. Accordingly, for this reason alone, the rejection of the claims as anticipated by Bent should be withdrawn.

Moreover, Bent fails to disclose the setting of an interest rate based on the stable funds source as claimed. The only mention in Bent of an interest rate appears in paragraph [0012], which states as follows:

As a result of the present invention the investor earns interest on the balance in his Insured Deposit Account where the interest rate earned can be the same regardless of the bank(s) selected, or may vary depending on the banks selected, while continuing to qualify his account funds for FDIC insurance.

In the above-quoted paragraph, Bent mentions that an investor earns interest on the balance in his insured deposit account. There is no disclosure of how the rate is set, not to mention setting the rate based on the amount that banks are willing pay for the availability of a stable funds source containing the aggregate deposits needs of plural deposit groups as claimed. Thus, for this additional reason, the rejection of the claims as anticipated by Bent should be withdrawn.

#### Claim Rejections - 35 U.S.C. § 103

Claims 3-6, 13, 16-19, and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over Bent in view of U.S. Patent Application Publication No. 2003/0023529 to Jacobsen (hereinafter, "Jacobsen"). This rejection is respectfully traversed.

Claims 3-6 and 13 depend from claim 1. Claims 16-19 and 26 depend from claim 14. As stated above with regard to the rejection of claims 1 and 14 as anticipated by Bent, Bent fails to teach or even remotely suggest aggregating the deposit needs of plural depositor as a stable funds source or setting an interest rate to be paid by the commercial banks based on an amount that the banks are willing to pay for the stable fund source and an interest rate that the depositor groups expect as a return for use of funds in the stable funds source. Jacobsen likewise lacks such teaching or suggestion. Jacobsen, like Bent, is directed to a system for managing an individual depositor's account in excess of FDIC

insurance limits such that the entire amount of the depositor's funds will be FDIC insured.

For example, Jacobsen states:

In a preferred embodiment of the present invention, a potential deposit amount that exceeds an established deposit insurance limit is processed using a computer implemented methods so that the total amount to be deposited is fully insured. The order to process the potential deposit is submitted to the processor, which establishes multiple deposits, each with a different bank, for the customer seeking to deposit the potential deposit amount. (Emphasis added.) (See paragraph [0009] of Jacobsen.)

In the above-quoted passage, Jacobsen indicates a deposit for a customer is divided among multiple banks. There is no mention of aggregating funds from plural depositor groups to provide a stable funds source or setting an interest rate based on an amount that commercial banks are willing to pay for the stable funds source and that the deposit groups expect for a rate of return on the stable funds source.

Moreover, rather than setting the interest rate to be paid based on the aggregate funds of plural depositor groups, Jacobsen indicates that the rate is set based on a rate acceptable to each individual depositor. For example, Jacobsen states:

Each relationship bank **105, 120, 125** seeking placement of customer funds through the IDPS **100** will establish a rate acceptable to its customer ("depositor" **115, 130, 135**) for deposits in one or more available maturities. (See paragraph [0065] of Jacobsen.)

The above-quoted passage teaches the exact opposite of the claimed invention. Rather than setting a rate of interest based on the use of aggregated funds as a stable fund source, Jacobsen indicates that the interest rate is set based on the needs of each individual depositor. Accordingly, for this additional reason, the rejection of the claims as unpatentable over Bent in view of Jacobsen should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

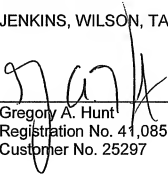
The Commissioner is hereby authorized to charge \$590.00 (representing the \$65.00 disclaimer fee and \$525.00 3-month extension of time fee), any deficiencies of payment, or credit any overpayment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: September 22, 2008

By: \_\_\_\_\_

  
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